

**Comment on Proceeding 12-91, COMMISSION SEEKS COMMENT ON EMERGENCY COMMUNICATIONS  
BY AMATEUR RADIO AND IMPEDIMENTS TO AMATEUR RADIO COMMUNICATIONS**

I am an Amateur Extra licensee, callsign WN9HJW, and have been licensed continuously since 2001. I have on my suburban northern Virginia property several modest vertical and wire antennas for high-frequency hobby activity, and a VHF ground plane antenna for local communications.

I also have served as President of my neighborhood's civic association from 2001 to 2003, and 2007 to 2008. Unlike a formal homeowners association, the civic association is completely voluntary and has no formal authority to restrict private land use. The civic association serves an educational and social role as well as representing the neighborhood as a whole to county and state government entities; as well as attempting *informal* resolution of neighbor to neighbor conflicts.

My comments are limited to the scope of Questions 2a and 2b of the public notice.

When my wife and I were looking to buy a home, we shopped around several neighborhoods in the same vicinity. Some of them had Homeowner's Associations with restrictive covenants, and some did not. We selected a neighborhood that did not have an HOA and restrictive CCRs. *Consequently I have experienced no impediment to my amateur radio activity due to private land use restrictions.*

If we had chosen instead to purchase our home in one of the restrictive neighborhoods we looked at – which are literally across the street from our current neighborhood – then in my opinion any impediments to amateur radio activity would have been self-inflicted.

In a diverse, non-HOA neighborhood such as ours, “reasonable” is entirely subjective and can vary considerably even throughout the neighborhood. Resolution of neighborhood conflicts ultimately depends on tolerance, compromise, and mutual respect between neighbors. In effect, “reasonable” or “unreasonable” have to be flexible for a non-HOA neighborhood to work well, as ours does.

In my opinion, it would be unnecessary and misguided intrusion for the Congress and the FCC to simply override existing private land use agreements, to legislate and regulate a national one-size-fits-all definition of what are “reasonable” antenna structures. This should be worked out on a neighborhood basis in the case of HOAs, or between individual neighbors in the case of non-HOA neighborhoods.

On the other hand, *private land use agreements that outright prohibit the transmission of RF by licensed amateurs, or attempts to regulate interference, are already in conflict with existing FCC authority.* It would therefore make sense for such restrictions to be preempted. Logically, if transmission of RF must be allowed, then obviously some sort of antenna also must be allowed. *Consequently, covenants that prohibit any antenna also should be preempted.*

However, there is no basis for the FCC to guarantee the *efficiency* of amateur RF emissions. Thus, whether or not that antenna must be indoors, or can be outdoors; or if outdoors, its visibility or configuration, are issues that should be guided by *what is “reasonable” for that particular neighborhood.* While this may be inconvenient for some hobby activities, it obviates the need for FCC to be involved in countless neighborhood antenna squabbles.

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